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BEYOND RACE

In Mitchell Lecture, civil rights icon says post-racial society remains elusive

“If a racially diverse democracy is to take place, we need to be able to talk to each other as peers.”

Despite the election of the nation's first African-American president, the path to a post-racial society still stretches out ahead, and only vigilance and hard work will get us there, prominent civil rights attorney John A. Payton said in a UB Law School address.

Payton, president and director-counsel of the NAACP's Legal Defense and Education Fund, delivered the Law School's signature Mitchell Lecture on Oct. 22 in O'Brien Hall, speaking to a near-capacity crowd of students, faculty, staff and the public. He appeared at the invitation of Dean Makau W. Mutua, a personal friend and colleague in human rights advocacy work.

Payton acknowledged the historic nature of the presidential election, saying, “There never has been a year even close to this in America. My father did not dream of this last year. For all his dreams, this wasn't one of them. These are remarkable changes, and it says something about our society.”

But, he said, “Are we a post-racial society? is a different question than ‘have we made progress?’”

The answer, he said, comes by look-

ing at racial fault lines in a handful of quality-of-life measures, including educational attainment, housing quality, employment, the criminal justice system and political participation.

In all of those measures save one, he said, African-American and Hispanic persons still lag behind their white peers—in high dropout rates in inner-city schools; in de facto segregated housing patterns as a result of white flight from the cities; in a foreclosure crisis that has disproportionately affected persons of color; in a prison population that is half minority; in the dearth of hospitals and other health care providers in minority neighborhoods. The only exception, he said, is political participation, as African-Americans voted in record numbers in the 2008 elections, despite a challenge to the landmark Voting Rights Act that Payton's Legal Defense Fund defended in the U.S. Supreme Court.

“Are we a post-racial society? The answer is, not yet,” he said. “It's a sobering assessment, but it's an unavoidable assessment.”

Describing one recent situation that he said reflected institutionalized racial disparity, Payton spoke of the federal

government's \$11 billion Road Home program intended to help rebuild New Orleans after Hurricane Katrina. Displaced residents of that city were offered financial help: either the actual cost of repairing their home, or the pre-Katrina value of the home, whichever was lower. White families mostly received the cost of repairs. But because homes in minority neighborhoods were assessed at a low figure, that was what was offered to African-American families. “Either you get enough money to rebuild your home or you don't,” Payton said. “Generally speaking, the white homeowners get enough money to rebuild their home, and generally speaking, the black homeowners don't.” The Legal Defense Fund sued, and just recently the government announced it is changing this formula.

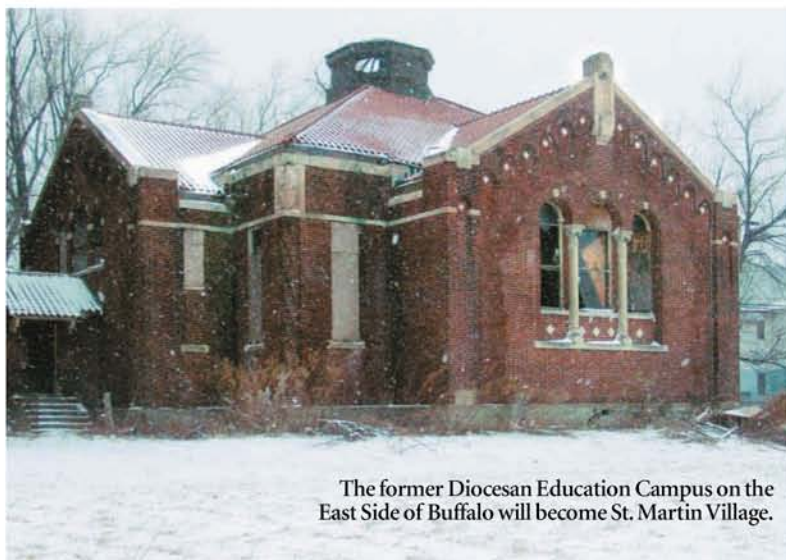
Payton also pointed with dismay to the “very dark atmosphere” that surrounds the debate over health care reform. “This is hatred out there,” he said. “This is not disagreement. We've always had extremists. But the fact that Barack Obama is an African-American has pushed paranoia to another level, so people who have real disputes have now gone completely mad. And they've never had such access to the media that they do today.”

“It's really crucial that we figure out ways to marginalize those voices of hatred. The hatred we've seen is hatred that's directed at strangers. It's very hard to have that kind of emotion with someone who is literally your neighbor and who you actually know.”

And that, he said, is his major point: “If a racially diverse democracy is to take place, we need to be able to talk to each other as peers. Race is so easily used as a wedge issue. The sense of community doesn't happen by itself. You have to work on it.”

“Democracy at its real core requires that all the people be included in ‘we the people.’ For that inclusive democracy to function, we all have to be able to see each other as peers, as people we can respect. It depends on this sense of being in a shared enterprise together.”

“I believe we must become the inclusive democracy described by the Preamble to the Constitution. We must know our past in order to transcend our past. I believe that we must see our diversity as one of our most important strengths, and that we must see each other as peers. So let's get to work.”



The former Diocesan Education Campus on the East Side of Buffalo will become St. Martin Village.

Affordable Housing Clinic leverages millions in grants for three projects

UB Law School's Affordable Housing Clinic has helped to secure three grants totaling more than \$28 million that will enable the construction of 106 new housing units in the City of Buffalo.

The new housing on the city's west, east and south sides will be energy-efficient apartments with affordable rents for senior citizens and low-income persons. Funding for the construction projects will come through the New York State Division of Housing and Community Renewal.

"This is a real tribute to the work the clinic has done, along with its students," says George Hezel, clinical professor of law and director of the Affordable Housing Clinic. "They have poured their hearts and souls into this project. It's a good result for the community at large and proof that UB is an economic development engine for the city and the region. If Buffalo is going to remain competitive in its search for federal and state funds, it needs an experienced and sophisticated advocate. With the clinic, we have an edge that other cities don't have."

The projects that won funding are:

- St. Martin Village, comprising 60 units of housing on the former Diocesan Education Campus at 564 Dodge St. Two existing three-story buildings will be rehabilitated into 24 two-bedroom units, and a chapel building will become a community center to be operated by the Community Action Organization. In addition, 36 townhouse units—24 three-bedroom and 12 four-bedroom—will be newly constructed. Rents will be afford-

able for households that earn less than half the area's median income, and nine units will be configured for residents with special needs.

- Holy Family Senior Apartments, with 35 affordable apartments for senior citizens to be developed at the former Holy Family Elementary School building at 920 Tift St. in South Buffalo. The apartments will include 30 one-bedroom and five two-bedroom units. Nine units will be handicapped-accessible. Also included will be a large community room and improved facilities for the South Buffalo Food Pantry that Catholic Charities operates at the site. The sponsors are Delta Development of Western New York and Living Communities LLC.

- People United for Sustainable Housing, which will build 11 units of housing in a distressed neighborhood on the West Side. Three buildings on Massachusetts Avenue—a commercial storefront and long-vacant apartments—will be rehabilitated to create four one-bedroom, four two-bedroom and three three-bedroom apartments. All units will be affordable for households at or below 50 percent of the area median income.

Founded in 1987, the UB clinic, along with clinics at Yale and Seton Hall universities, pioneered the field of affordable housing clinics in U.S. law schools, championing a movement to bring practical work experience into the classroom while providing students with meaningful ways to improve their communities.

The recent grants bring to nearly \$200 million the total amount of private equity, loan and grant money the UB clinic has been able to leverage to help finance more than 2,000 units of affordable housing in Western New York for low-income families, the elderly, targets of domestic violence and people with disabilities.

The work of the Law School's legal clinics advances the UB 2020 strategic strength in Civic Engagement and Public Policy, which supports faculty research and scholarship that addresses pressing social and policy issues in collaboration with community partners, while also generating scholarly expertise. "There is no law firm, nor are there non-profits, that could sustain the effort that a Law School clinic can sustain," Hezel says.

In addition to affordable housing, UB Law School also offers clinics addressing such topics as family violence, the environment, elder law and community economic development.

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— George Hezel, Clinical Professor and Director, Affordable Housing Clinic

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